

**FILED**

NOV 18 2013

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 13-90024

**ORDER**

**KOZINSKI**, Chief Judge:

A pro se prisoner alleges that a magistrate judge failed to rule on motions to recuse in his habeas and civil rights cases. The record shows the court ruled on a properly filed recusal motion in one case, and ordered that recusal motions in another matter would be disregarded because the case had been closed for years. This charge is dismissed as “conclusively refuted by objective evidence.” 28 U.S.C. § 352(b)(1)(B).

Complainant further challenges the judge’s decision not to recuse himself. But such decisions are merits-related, see, e.g., In re Complaint of Judicial Misconduct, 623 F.3d 1101, 1102 (9th Cir. Jud. Council 2010), and thus this claim must also be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

**DISMISSED.**